

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOE LEE,

Plaintiff,

ORDER

v.

08-cv-658-bbc

WILLIAM CHARLEBOIS,

Defendant.

In an order entered in this case on December 12, 2008, I granted plaintiff Joe Lee leave to proceed in forma pauperis on his claim that defendant William Charlebois used excessive force against him during an arrest. On January 8, 2009, I denied plaintiff's motion for appointment of counsel because I concluded that he appears capable of prosecuting this lawsuit of minor complexity. Now, plaintiff has submitted a letter to which he has attached additional documentation of attorneys who have refused to represent him. This additional information will be added to the record.

Also, plaintiff advises the court that he may be transferred to Minnesota and that when he is he will notify the court of his new address. Finally, plaintiff asks that the court order that defendant submit to a polygraph test so that he can prove that defendant used excessive force against him. This request will be denied. It is plaintiff's responsibility, not

the court's, to gather the evidence that he needs prove his claim. Even if plaintiff were to obtain defendant's agreement to take a polygraph test and to pay for the test, the results of the test might not be admissible. United States v. Scheffler, 523 U.S. 303, 311 (1998) ("The lack of scientific consensus is reflected in the disagreement among state and federal courts concerning both the admissibility and the reliability of polygraph evidence"). Plaintiff should consider carefully whether he wishes to pursue obtaining a polygraph test for defendant.

ORDER

IT IS ORDERED that plaintiff's request for an order requiring defendant William Charlebois to take a polygraph test, dkt. # 11, is DENIED.

Entered this 26th day of January, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge